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Date of Deposit: November 26, 2001

Attorney Docket No. 24359-012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FIRST-NAMED INVENTOR OR Daniel J. Rice

APPLICATION IDENTIFIER:

FOR: NETWORK PERFORMANCE DETERMINING

November 26, 2001
Boston, Massachusetts

Box PATENT APPLICATION
Commissioner for Patents and Trademarks
Washington, D.C. 20231

**REQUEST FOR FILING A NEW NONPROVISIONAL APPLICATION
UNDER 37 C.F.R. §1.53(b)**

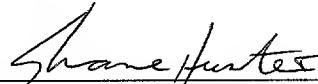
1. This is a request for filing a new nonprovisional application under 37 C.F.R. §1.53(b).
2. ☒ Specification and Drawings (Total pages: 63);
Specification (48 pages); Claims (6 pages); Abstract (1 page); and
Drawings: 8 sheets; FIGS. 1-8.
☐ Formal
☒ Informal
3. ☒ Declaration and Power of Attorney forms
☒ Unsigned
☐ Signed
4. ☐ Information Disclosure Statement (IDS)
☐ Copy of IDS and PTO-1449 (___ pages)
☐ Copies of references cited
5. ☐ Assignment Papers
☐ Recordation Form Cover Sheet (PTO-1595)
☐ Assignment Document
6. ☒ Statement Claiming Small Entity Status
☐ Claiming Small Entity As Independent Inventor (37 C.F.R. §§1.9(f) & 1.27(b)).
☒ Claiming Small Entity As Small Business Concern (37 C.F.R. §§1.9(f) & 1.27(c)).
☐ Claiming Small Entity As Nonprofit Organization (37 C.F.R. §§1.9(f) & 1.27(d)).

7. Fee Calculation

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. 1.16(a) \$740.00
Total Claims (37 C.F.R. 1.16(c))	26	- 20 =	6	\$18.00	\$108.00
Independent Claims (37 C.F.R. 1.16(b))	3	- 3 =	0	\$80.00	\$0
Multiple Dependent Claim(s), if any (37 C.F.R. 1.16(d))				\$270.00	N/A
SUBTOTAL:					\$848.00
Reduction by 50% for filing by small entity:					\$424.00
TOTAL FEE:					\$424.00

8. ☒ A check in the amount of **\$424.00** is enclosed.
9. ☒ Return Receipt Postcard Enclosed.
11. ☐ Other Documents Enclosed:
☐ Request and Certification Under 37 C.F.R. §122(b)(2)(B)(i)

Respectfully submitted,



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Dated: November 26, 2001